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In re Application of MANGELINCK	:	
U.S. Application No.: 10/707,968	:	
PCT Application No.: PCT/SG02/00174	:	DECISION
Int. Filing Date: 31 July 2002	:	
Priority Date Claimed: 31 July 2001	:	
Attorney Docket No.: ASTAP2004-01	:	
For: GATE ELECTRODES AND THE	:	
FORMATION THEREOF	:	

This is in response to applicant's "Petition Under 37 CFR §1.78(a)(3) for Accepting an Unintentionally Delayed Benefit Claim" filed 17 January 2005.

BACKGROUND

On 31 July 2002, applicant filed international application PCT/SG02/00174, which claimed priority of an earlier Singapore application filed 31 July 2001. A copy of the international application was communicated to the USPTO from the International Bureau on 13 February 2003. The thirty-month period for paying the basic national fee in the United States expired on 31 January 2004.

On 29 January 2004, applicant filed application papers in the USPTO via the Electronic Filing System (EFS).

On 26 May 2004, applicant filed a petition under 37 CFR 1.182.

On 25 June 2004, this Office mailed a decision dismissing the 26 May 2004 petition.

On 16 September 2004, applicant filed a renewed petition under 37 CFR 1.182.

On 21 September 2004, this Office mailed a decision dismissing the 16 September 2004 petition.

On 12 November 2004, applicant filed a renewed petition under 37 CFR 1.182.

On 19 November 2004, this Office mailed a decision dismissing the 12 November 2004 renewed petition.

On 17 January 2005, applicant filed the present petition under 37 CFR 1.78(a)(3).

DISCUSSION

37 CFR 1.78(a)(3) provides that a petition to accept an unintentionally delayed claim under 35 U.S.C. 120, 121, or 365(c) for the benefit of a prior-filed application must be accompanied by:

- (1) The reference required by 35 U.S.C. 120 and paragraph (a)(2) of this section to the prior-filed application, unless previously submitted;
- (2) The surcharge set forth in § 1.17(t); and
- (3) A statement that the entire delay between the date the claim was due under paragraph (a)(2)(ii) of this section and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

With regard to item (1) above, the requisite reference has been provided.

With regard to item (2) above, the requisite surcharge has been provided.

With regard to item (3) above, the requisite statement has been provided.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.78(a)(3) is GRANTED.

This application is being forwarded to the Office of Initial Patent Examination for processing as a 35 U.S.C. 111(a) continuation application of international application PCT/SG02/00174.



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